

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6439 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

N J PANCHAL

Versus

GUJARAT WATER SUPPLY AND SEWERAGE BOARD

Appearance:

MR NALIN K THAKKER for Petitioner
MR HS MUNSHAW for Respondent No. 1
MRS TALATI, AGP for Respondent No. 2 to 5

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 13/08/1999

ORAL JUDGEMENT

When the matter was called out today, learned advocate Mr Thakker appeared for the petitioner, whereas learned advocate Mr J.M.Barot for learned advocate Mr Munshaw appeared for respondent No.1 and learned AGP Mrs.Talati appeared for respondents Nos.2 to 5.

After having heard and considering the facts, it is noticed that the controversy has now shrunk down to a very narrow compass and that too in respect of payment of

interest. It is noticed that the petitioner is entitled to payment of interest on the delayed payment of the following dues as delay has occurred without any fault, apathy or negligence or inaction on the part of the petitioner.

- (1) Interest at the rate of 9 per cent per annum on delayed commuted pension amount which comes to 50 per cent of the payment of commuted pension amount of Rs.39,628/- (Rs.19,814/-) with effect from 15.9.93 to 7.8.99.
- (2) Interest at the rate of 10 per cent per annum as per the Government Resolution on the amount of delayed payment of 20 per cent of the gratuity amount of Rs.13,200/- from 1.9.97 to 1.8.99.
- (3) Interest at the rate of 12 per cent per annum on the delayed payment of amount of commuted leave from 2.2.92 to 30.11.92.
- (4) Interest at the rate of 9 per cent per annum on the delayed payment of pension arrears of Rs.39,300/- from 1st April, 1992 to 31st January, 1993.

Obviously, the aforesaid dues payable shall have to be paid by respondent No.1 and the respondent No.1 shall pass order and forward necessary instructions as per the prescribed procedure along with papers to the respondent No.5 within a period of two months and the respondent No.5 shall give necessary orders and instructions to the concerned Treasury Office within a period of one week thereafter, so as to enable the petitioner to receive the amount.

In view of the aforesaid observations and directions, this petition shall stand, partly, allowed. Accordingly, rule is made absolute leaving the parties to bear their own costs.

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